Memorandum on the extreme loss of credibility by the United States Department of Justice in 2026

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There have been many, both in the United States and around the world, to observe that the current American Administration seems to have a fairly complete disregard for the rule of law and legal norms. This has been an ongoing theme for the last 12 months now. The effect now in 2026 would appear to be that even the Judicial Branch of the US Government is casting an increasingly skeptical eye towards the United States Department of Justice. The present DOJ focus seems to be going on hostile witch hunts by prosecuting political enemies and pursuing personal grudges, and ignoring most other cases. The growing news reports of judges demonstrating full hostility to the DOJ and prosecuting attorneys completely destroys the credibility of the DOJ, and renders it toothless and useless. There have also been increasing reports of actual jury nullification, where a sitting jury refused to convict someone that had allegedly assaulted a Homeland Security officer.

When judges are completely hostile to prosecutors and juries are inclined to nullify any charges, there becomes a complete disregard for the rule of law by the entire society. As has been mentioned in a previous report, when citizens feel like there is no justice or accountability from their government, they tend to take the law into their own hands and vigilantism becomes the norm. This is usually a defining feature of a country with Failed-State status. Beyond the United States, world states have also become increasingly skeptical of anything America does. Recent news reports have noted that the European Union and a trade group of South American states have signed a mutually beneficial free-trade agreement with each other to increase economic cooperation. Also recently, Canada and China have signed a new free-trade agreement with each other to increase their own financial cooperation. The United States is increasingly being sidelined and cut off from the rest of the world's economic trade, because America has proven itself to be an unreliable and unsteady participant in the global economy.

In practical effect, the combination of economic marginalization and a lawless legal system in the United States would create massive civil unrest. Looting and rioting would become the norm from sea to shining sea. In some areas, such as Minnesota, this is already becoming a reality. It would be expected that without some kind of intervention from Congress and the Supreme Court, this level of unrest would spread from city to city until it envelopes the United States in social turmoil. It is difficult to say if there is any way to stop the runaway train of American Exceptionalism heading towards this fate.

Already, some financial analysts have compared the United States to Argentina and Turkey, and the financial collapse they have experienced. Americans are good at pretending their social structure is unassailable and indestructible, up until the wheels actually fall off. This was the case in 1929 when the US financial markets crashed and the ushered in the Great Depression. American business tycoons thought the US economy would keep growing forever – up until it didn't.

The loss of credibility by the United States Department of Justice is a phenomenon that will not be easy or quick to rectify. In fact, it will probably influence the American legal system for decades to come. It is unheard of in United States history that so many independent members of the federal judiciary could rise up in active hostility towards the DOJ. These events are not at all the hallmark of a functioning and civil society. In the absence of a functioning legal system, organized crime syndicates tend to arise and prosper in the vacuum that is created from a morass like this. It is expected that this will be the case in present day America as well. Already, protection and influence rackets have popped up around the sphere of those who have aligned politics to the current President of the United States. Their influence and authority seem to be limited to Washington DC and heavily Republican states, but there seems to be attempts to force their way into other states that are not as welcoming to them. These are of course situations where the juries of the local jurisdictions take on more significance than the federal DOJ. Local DAs in so-called blue states would probably prosecute rogue right-wing influencers, and blue-state juries would probably be more likely to convict them.

The complete and total lack of credibility by the US Department of Justice would in this situation mean that the individual states are completely left on their own, and each side retreats further into their own corners. If the hostilities advance too far beyond that stage, an open and active state of warfare would inevitably break out, similar to the civil war of Abraham Lincoln's time.

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Jury nullification

Jury nullification, also known as **jury equity**[1] or as a **perverse verdict**,[2][3] is a decision by the jury in a criminal trial resulting in a verdict of not guilty even though they think a defendant has broken the law. The jury's reasons may include the belief that the law itself is unjust,[4][5] that the prosecutor has misapplied the law in the defendant's case,[6] that the punishment for breaking the law is too harsh, or general frustrations with the criminal justice system. It has been commonly used to oppose what jurors perceive as unjust laws, such as those that once penalized runaway slaves under the Fugitive Slave Act, prohibited alcohol during Prohibition, or criminalized draft evasion during the Vietnam War.[7][8][9] Some juries have also refused to convict due to their own prejudices in favor of the defendant.[10] Such verdicts are possible because a jury has an absolute right to return any verdict it chooses.[11]

The Trial of the Seven Bishops by John Rogers Herbert

Nullification is not an official part of criminal procedure, but is the logical consequence of two rules governing the systems in which it exists:

1. Jurors cannot be punished for the verdict they make.[12]
2. In many jurisdictions, a defendant who is acquitted cannot be tried a second time for the same offense.[13]

A jury verdict that is contrary to the letter of the law pertains only to the particular case before it; however, if a pattern of acquittals develops in response to repeated attempts to prosecute a particular offence, this can have the *de facto* effect of invalidating the law. Such a pattern may indicate public opposition to an unwanted legislative enactment. It may also happen that a jury convicts a defendant even if no law was broken, although such a conviction may be overturned on appeal. Nullification can also occur in civil trials;[14] unlike in criminal trials, if the jury renders a not liable verdict that is clearly at odds with the evidence, the judge can issue a judgment notwithstanding the verdict or order a new trial.[15]

Background

In the past, it was feared that a single judge or panel of government officials might be unduly influenced to follow established legal practice, even when that practice had drifted from its origins. In most modern Western legal systems, judges often instruct juries to act only as "finders of fact", whose role it is to determine the veracity of the evidence presented, the weight accorded to the evidence,[16] to apply that evidence to the law as explained by the judge, and to reach a verdict; but not to question the law itself. Similarly, juries are routinely cautioned by courts and some attorneys not to allow sympathy for a party or other affected persons to compromise the fair and dispassionate evaluation of evidence. These instructions are criticized by advocates of jury nullification. Some commonly cited historical examples of

jury nullification involve jurors refusing to convict persons accused of violating the American Fugitive Slave Act by assisting runaway slaves or being fugitive slaves themselves, and refusal of American colonial juries to convict a defendant under English law.[7]

A 19th-century jury

Jury nullification is the source of much debate. Some maintain that it is an important safeguard of last resort against wrongful imprisonment and government tyranny.[17][18] Some view it as a violation of the right to a jury trial, which undermines the law;[18] whereas others, such as those members of Congress who voted to impeach Supreme Court Justice Samuel Chase for instructing a jury against nullification, view a jury as a body charged with judging both law and fact. Some view it as a violation of the oath sworn by jurors. In the United States, some view the requirement that jurors take an oath to be unlawful in itself, while still others view the oath's reference to "deliverance" to *require* nullification of unjust law: "will well and truly try and a true deliverance make between the United States and the defendant at the bar, and a true verdict render according to the evidence, so help [me] God". *United States v. Green*, 556 F.2d 71 (D.C. Cir. 1977).[19]

Some fear that nullification could be used to permit violence against socially unpopular factions.[20] They point to the danger that a jury may choose to convict a defendant who has not broken the letter of the law. However, judges retain the rights both to decide sentences and to disregard juries' guilty verdicts (not guilty verdicts cannot be disregarded), acting as a check against malicious juries. Jury nullification may also occur in civil suits, in which the verdict is generally a finding of liability or lack of liability (rather than a finding of guilty or not guilty).[21]

The main ethical issue involved in jury nullification is the tension between democratic self-government and integrity.[22] The argument has been raised that prosecutors are not allowed to seek jury nullification, and therefore defendants should not be allowed to seek it either;[23] however, for a prosecutor to nullify a law in this context would require negating the presumption of innocence. For this reason, prosecutorial nullification is typically defined as declining to prosecute.[24] Nevertheless, there is little doubt as to the ability of a jury to nullify the law. Today, there are several issues raised by jury nullification, such as:

1. Whether juries can or should be instructed or informed of their power to nullify.
2. Whether a judge may remove jurors "for cause" when they refuse to apply the law as instructed.
3. Whether a judge may punish a juror for practicing jury nullification.
4. Whether all legal arguments, except perhaps on motions *in limine* to exclude evidence, should be made in the presence of the jury.

In some cases in the United States, a stealth juror will attempt to get on a jury in order to nullify the law.[25] Some lawyers use a shadow defense to expose the jury to information that would otherwise be inadmissible, hoping that evidence will trigger a nullification.[26][27]

Common law precedent

The early history of juries supports the recognition of the *de facto* power of nullification. By the 12th century, common law courts in England began using juries for more than administrative duties. Juries were composed primarily of "laymen" from the local community and provided a somewhat efficient means of dispute resolution with the benefit of supplying legitimacy. The general power of juries to decide on verdicts was recognised in the English Magna Carta of 1215,[28] which put into words existing practices:

> No free man shall be captured, and or imprisoned, or disseised of his freehold, and or of his liberties, or of his free customs, or be outlawed, or exiled, or in any way destroyed, nor will we proceed against him by force or proceed against him by arms, but by the lawful judgment of his peers, or by the law of the land.
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> For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

Even prior to *Bushel's Case*, Sir Nicholas Throckmorton, a non-Episcopalian English Dissenter, or Nonconformist, outside the established Church of England, was acquitted by a jury despite hostility of the judges.

Largely, the earliest juries returned verdicts in accordance with the wishes of the judge or the Crown. This was achieved either by "packing the jury" or by "writs of attaint". Juries were packed by hand-selecting or by bribing the jury so as to return the desired verdict. That was a common tactic in cases involving treason or sedition. In addition, the writ of attaint allowed a judge to retry the case in front of a second jury when the judge believed the first jury returned a "false verdict". If the second jury returned a different verdict, that verdict was imposed, and the first jury was imprisoned or fined.

That history is marked by a number of notable exceptions, several of which claim rights commonly recognized as fundamental in modern democratic societies, such as freedom of speech and of the press, and freedom of religious practice. In 1554, a jury acquitted Sir Nicholas Throckmorton but was severely punished by the court. Almost a century later, in 1649, in the first known attempt to argue for jury nullification, a jury likewise acquitted John Lilburne for his part in inciting a rebellion against Oliver Cromwell's regime. Lilburne had been charged with seditious libel for the publication of articles critical of the government; the jury were instructed to give a verdict only on whether the text was published, and

to leave the issue of libel to the judge, while Lilburne argued the jury should give a general verdict and should judge whether the law's restraint on speech against the government was just. The theoretician and politician Eduard Bernstein wrote of Lilburne's trial:

> His contention that the constitution of the Court was contrary to the fundamental laws of the country was unheeded, and his claim that the jury was legally entitled to judge not only as to matters of fact but also as to the application of the law itself, as the Judges represented only 'Norman intruders', whom the jury might here ignore in reaching a verdict, was described by an enraged judge as 'damnable, blasphemous heresy'. This view was not shared by the jury, which, after three days' hearing, acquitted Lilburne—who had defended himself as skillfully as any lawyer could have done—to the great horror of the Judges and the chagrin of the majority of the Council of State. The Judges were so astonished at the verdict of the jury that they had to repeat their question before they would believe their ears, but the public which crowded the judgment hall, on the announcement of the verdict, broke out into cheers so loud and long as, according to the unanimous testimony of contemporary reporters, had never before been heard in the Guildhall. The cheering and waving of caps continued for over half an hour, while the Judges sat, turning white and red in turns, and spread thence to the masses in London and the suburbs. At night bonfires were lighted, and even during the following days the event was the occasion of joyful demonstrations.[29]

In 1653, Lilburne was on trial again and asked the jury to acquit him if it found the death penalty "unconscionably severe" in proportion to the crime he had committed. The jury found Lilburne "not guilty of any crime worthy of death".[30] In 1670, a petit jury refused to convict William Penn of unlawful assembly for religious practice not associated with the Church of England. The judge held the jury in contempt of court, which was ruled inappropriate by the Court of Common Pleas in *Bushel's Case*. In 1681, a grand jury refused to indict the Earl of Shaftesbury. In 1688, a jury acquitted the Seven Bishops of the Church of England of seditious libel. Juries continued, even in non-criminal cases, to act in defiance of the Crown. In 1763 and 1765, juries awarded £4,000 to John Wilkes and £300 to John Entick in separate suits for trespass against the Crown's messengers. In both cases, messengers had been sent by Lord Halifax to seize allegedly-libellous papers.

In Scotland, jury nullification had the profound effect of introducing the three-verdict system including the option of "not proven", which remained in Scotland until 2026. In 1728, Carnegie of Finhaven accidentally killed the Earl of Strathmore. As the defendant had undoubtedly killed the Earl, the law, as it then stood, required the jury merely to look at the facts and to pass a verdict of "proven" or "not proven", depending on whether it believed that the facts proved the defendant had killed the Earl. If the jury brought in a "proven" verdict, that would lead to Carnegie's hanging though he had not intended any harm to the Earl. To avert that injustice, the jury decided to assert what it believed to be its "ancient right" to judge the whole case, not just the facts, and rendered the verdict of "not proven". Over time, juries have tended to favour the "not guilty" verdict over "not proven" and so the interpretation has changed. The "not guilty" verdict has become the normal verdict when a jury is convinced of innocence, and the "not proven" verdict is used only if the jury is not certain of innocence or guilt.. The *not proven* verdict was abolished on 1 January 2026 as part of justice reforms introduced by the Scottish Parliament to "create a clearer, fairer and more transparent decision-making process".[31]

The standard jury trial practice in the United States during the Founding Era and for several decades afterward was to argue all issues of law in the presence of the jury so that it heard the same arguments as the bench in reaching its rulings on motions. That is evidenced by such decisions as the 1839 case *Stettinius*, which held, "The defense can argue law to the jury before the court gives instructions."[32] Later, judges began to demand the parties submit motions in writing, often before the jury was empaneled, to be argued and decided without the jury being present. The transition began with motions *in limine* to exclude evidence on which it was felt the jury should not hear the argument because it would be informed of the evidence to be excluded. Later, that was expanded to include all legal argument and so that today, the earlier practice of arguing law before the jury has been largely forgotten, and judges even declare mistrials or overturn verdicts if legal arguments are made to the jury.

Specific jurisdictions

Canada

Although extremely rare, jury nullification occurs in Canada. As the prosecution has powers to appeal the resulting acquittal, it lacks the finality found in the United States. However, the Crown cannot appeal on grounds of an unreasonable acquittal although it can appeal on errors of law. In *R. v. Latimer*, 2001 SCC 1,[33] the Supreme Court discussed jury nullification and indicated that it is a duty of the presiding justice to try to prevent it from occurring. Perhaps the most famous cases of jury nullification in Canada were the various trials of Henry Morgentaler, who openly operated a private abortion clinic in violation of the Criminal Code. Repeated attempts at prosecuting Morgentaler resulted in acquittals at jury trials in the 1970s and the 1980s. In the 1988 Supreme Court case, *R. v. Morgentaler*, 1988 SCR 30,[34] a nullification was appealed all the way to the country's highest court, which struck down the law in question. In *obiter dicta*, Chief Justice Dickson wrote:

> The contrary principle contended for by Mr. Manning, that a jury may be encouraged to ignore a law it does not like, could lead to gross inequities. One accused could be convicted by a jury who supported the existing law, while another person indicted for the same offence could be acquitted by a jury who, with reformist zeal, wished to express disapproval of the same law. Moreover, a jury could decide that although the law pointed to a conviction, the jury would simply refuse to apply the law to an accused for whom it had sympathy. Alternatively, a jury who feels antipathy towards an accused might convict despite a law which points to acquittal. To give a harsh, but I think telling example, a jury fueled by the passions of racism could be told that they need not apply the law against murder to a white man who had killed a black man. Such a possibility need only be stated to reveal the potentially frightening implications of Mr. Manning's assertions.... It is no doubt true that juries have a de facto power to disregard the law as stated to the jury by the judge. We cannot enter the jury room. The jury is never called upon to explain the reasons which lie behind a verdict. It may even be true that in some limited circumstances the private decision of a jury to refuse to apply the law will constitute, in the words of a Law Reform Commission of Canada working paper, "the citizen's ultimate protection against oppressive laws and the oppressive enforcement of the law" (Law Reform Commission of Canada, Working Paper 27, The Jury in Criminal Trials (1980)). But recognizing this reality is a far cry from suggesting that counsel may encourage a jury to ignore a law they do not support or to tell a jury that it has a right to do so.

The Supreme Court in 2006 issued a decision, *R. v. Krieger*, 2006 SCC 47,[35] which confirmed that juries in Canada have the power to refuse to apply the law when their consciences require that they do so. The decision stated that "juries are not entitled as a matter of right to refuse to apply the law—but they do have the power to do so when their consciences permit of no other course".[35]

England and Wales

By the late 17th century, the court's power to punish juries was removed in *Bushel's Case* involving a juror on the case against William Penn. Penn and William Mead had been arrested in 1670 for illegally preaching a Quaker sermon and disturbing the peace but four jurors, led by Edward Bushell, refused to find them guilty. Instead of dismissing the jury, the judge sent them back for further deliberations. Despite the judge demanding a guilty verdict, the jury now unanimously found Penn guilty of preaching but acquitted him on the charge of disturbing the peace and acquitted Mead of all charges. The jury was then subsequently kept for three days without "meat, drink, fire and tobacco" to force it to bring in a guilty verdict. When it failed to do so, the judge ended the trial. As punishment, the judge ordered the jurors imprisoned until they paid a fine to the court.[36]

Plaque at the Old Bailey

Four jurors refused to pay the fine, and after several months, Bushell sought a writ of habeas corpus. Chief Justice Vaughan, sitting on the Court of Common Pleas, discharged the writ, released them, called the power to punish a jury "absurd" and forbade judges from punishing jurors for returning a verdict the judge disagreed with.[37] That series of events is considered a significant milestone in the history of jury nullification.[38] The "courage and endurance" of the jury is celebrated in a plaque displayed in the Central Criminal Court (the Old Bailey) in London. In a criminal libel case, *R. v. Shipley* (1784), 4 Dougl. 73, 99 E.R. 774, at p. 824, Lord Mansfield, sitting as a judge in the case, disparaged the practice of jury nullification:

> So the jury who usurp the judicature of law, though they happen to be right, are themselves wrong, because they are right by chance only, and have not taken the constitutional way of deciding the question. It is the duty of the Judge, in all cases of general justice, to tell the jury how to do right, though they have it in their power to do wrong, which is a matter entirely between God and their own consciences.
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> To be free is to live under a government by law.... Miserable is the condition of individuals, dangerous is the condition of the State, if there is no certain law, or, which is the same thing, no certain administration of law, to protect individuals, or to guard the State.
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> ...
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> In opposition to this, what is contended for? – That the law shall be, in every particular cause, what any twelve men, who shall happen to be the jury, shall be inclined to think; liable to no review, and subject to no control, under all the prejudices of the popular cry of the day, and under all the bias of interest in this town, where thousands, more or less, are concerned in the

> publication of newspapers, paragraphs, and pamphlets. Under such an administration of law, no man could tell, no counsel could advise, whether a paper was or was not punishable [for publishing a libel].

A 2016 study exploring the history of juror punishment in England and Wales after Bushel's Case found no clear examples of jurors being punished solely for returning the "wrong" verdict. The closest that a jury came to that was in 1917, when a jury acquitted two teenage boys of arson. The boys had confessed at their pre-trial hearing but entered pleas of not guilty at their trial. Home Office civil servants suspected the difference between the pleas could be explained by the difference between the boys' admitting that they had caused the fire and their denial that they had done so maliciously. The trial judge did not consider that possibility or was not satisfied with it. On receiving the jury's verdict, he told them that "you have been absolutely regardless of your oath. These men have pleaded guilty, and the evidence is of the clearest possible nature. You are none of you fit to serve on a Jury, but you will remain here until the end of the Sessions". The foreman, George Lathan, considered that a form of punishment for the jury, as the jurors were not going to be permitted to serve on any more juries but were nonetheless required to keep attending court or face contempt proceedings, which Lathan considered a tacit form of imprisonment. Officials in the Lord Chancellor's Office noted that while the judge's conduct "was ill-judged and arbitrary, he did not, so far as I can see, do any act which would justify the Lord Chancellor in removing him from the Bench". Home Office officials wrote to the judge, advising him that his actions "would be impossible for the Home Secretary to defend as constitutional or right", and after several days, the jurors were relieved of their duties. Home Office minutes suggest they did not think that kind of informal punishment of jurors who had returned the "wrong" verdict to be unheard of.[39]

In 1982, during the Falklands War, the Royal Navy sank the Argentine cruiser, *General Belgrano*. Three years later a civil servant, Clive Ponting, leaked two government documents concerning the sinking of the cruiser to a Member of Parliament (Tam Dalyell) and was subsequently charged with breaching section 2 of the Official Secrets Act 1911.[40] The prosecution in the case demanded that the jury convict Ponting, as he had clearly contravened the Act by leaking official information about the sinking of the Belgrano during the Falklands War. His main defence was that it was in the public interest that the information be made available. The judge, Sir Anthony McCowan, "indicated that the jury should convict him",[41] and had ruled that "the public interest is what the government of the day says it is".[42] The jury acquitted him instead, much to the consternation of the government.

In 2001, two people were charged with conspiracy to cause criminal damage to a Trident submarine in a Barrow-in-Furness shipyard. Though the two admitted their intention to trash the submarine, the two said they were planning to do so due to nuclear bombs being immoral and illegal. The judge told the juries that such ideals were not a defence against the charge. The jury brought a verdict of not guilty on these two anti-nuclear protesters.[43]

In 2021, six activists associated with the environmental protest organisation Extinction Rebellion were tried for causing criminal damage to the British headquarters of the multinational oil company Royal Dutch Shell. The judge told the jury that there was 'no defence in law' for the protestors' actions, which according to the prosecutor had caused 'significant damage' to the building, but the activists were acquitted.[44][45]

In 2023, Insulate Britain members Giovanna Lewis and Amy Pritchard were jailed for seven weeks after defying the judge's ban on informing the jury of the reasons for their actions.[46] In charging them with contempt, the judge referred to an earlier case where another environmental activist was sentenced to eight weeks in prison for the same reason.[47] Following juries acquitting activists, dozens of people have been threatened with arrest for displaying signs that remind jurors of their right to make decisions based on conscience.[48][49]

In 2024, a motion brought by government lawyers to prosecute the activist Trudi Warner for holding a placard stating the right to jury nullification was thrown out by a High Court judge on the basis that there was a well-established principle in law of jury equity and Warner had not broken any law.[50][51] Warner's placard had directly referenced the wording on the plaque inside the Old Bailey.[52]

Germany

In 1921, an Armenian genocide survivor, Soghomon Tehlirian, assassinated Talaat Pasha, who was considered the main architect of the genocide, in Berlin. Although Tehlirian's lawyers did not contest that their client had killed Talaat, the jury (Germany used jury trials until 1924) returned a verdict of not guilty.[53][54] However, although the moral dimension of the case was strongly emphasised by the defense, the acquittal was based on a plead of temporary insanity and there was no dissent between court and jury.[55]

United States

In the United States, jury nullification first appeared just before the American Revolutionary War, when colonial juries frequently exercised their nullification power, principally in maritime cases and cases implicating free speech. Jury nullification became so common that many British prosecutors gave up trying maritime cases since conviction seemed hopeless.[56] Before the American Civil War, juries sometimes refused to convict for violations of the Fugitive Slave Act. Later, during Prohibition, juries often nullified alcohol control laws.[8] That resistance may have contributed to the adoption of the Twenty-first Amendment, which repealed Prohibition and the Eighteenth Amendment.

In a well-known example of jury nullification, at the end of Wild Bill Hickok's trial for the manslaughter of Davis Tutt in 1865, Judge Sempronius Boyd gave the jury two instructions. He first instructed the jury that a conviction was its only option under the law. He then instructed them that they could apply the unwritten law of the "fair fight" and acquit. Hickok was acquitted; the verdict was not necessarily universally popular with the press and public.[57][58] There have been contemporary instances of activists being arrested for informing jurists of their right of jury nullification in front of court houses, with subsequent rulings that arresting people for this activity is unconstitutional.[59]

Fugitive Slave Act

Juries across the North acquitted defendants who had clearly breached the Fugitive Slave Act in the 1850s. Part of the Compromise of 1850, it had been passed to mollify Southern slaveowners, who were otherwise threatening to secede from the Union. Secretary of State Daniel Webster was a key supporter of the law as expressed in his famous "Seventh of March" speech. He wanted high-profile convictions, but the jury nullifications ruined his presidential aspirations and his last-ditch efforts to find a compromise between North and South. Webster led the prosecution when defendants were accused of rescuing

Shadrach Minkins in 1851 from Boston officials who intended to return Minkins to his owner. The juries convicted none of the men. Webster tried to enforce a law that was extremely unpopular in the North, and his Whig Party passed over him again when it chose a presidential nominee in 1852.[60]

After Civil War

White defendants accused of crimes against black people and other minorities were often acquitted by all-white juries, especially in the South, even in the face of irrefutable evidence. An example is the trial of Roy Bryant and J. W. Milam.[61]

21st century

In the 21st century, many discussions of jury nullification center on drug laws, which some consider unjust in principle or because they are seen to discriminate against certain groups.[62] A jury nullification advocacy group estimated in 2016 that 3–4% of all jury trials involve nullification.[63]

Judicial opinion

In the 1895 case of *Sparf v. United States*, written by Associate Justice John Marshall Harlan, the US Supreme Court held 5-4 that a trial judge has no responsibility to inform the jury of the right to nullify laws.[64] That decision, often cited, has led to a common practice by US judges to penalize anyone who attempts to present a nullification argument to jurors and to declare a mistrial if such argument has been presented to them. In some states, jurors are likely to be struck from the panel during *voir dire* if they do not agree to accept as correct the rulings and instructions of the law as provided by the judge.[65]

In later rulings, the courts continued to prohibit informing juries about jury nullification. In a 1969, Fourth Circuit Court of Appeals decision, *U.S. v. Moylan*, 417 F.2d 1002 (4th Cir.1969), the Court affirmed the concept of jury nullification, but upheld the power of a court to refuse to permit an instruction to the jury to this effect.[66] In 1972, in *United States v. Dougherty*, 473 F.2d 1113, the United States Court of Appeals for the District of Columbia Circuit issued a ruling similar to *Moylan* that affirmed the *de facto* power of a jury to nullify the law but upheld the denial of the defense's chance to instruct the jury about the power to nullify.[67]

In 1988, the Sixth Circuit upheld a jury instruction: "There is no such thing as valid jury nullification." In *United States v. Thomas* (1997), the Second Circuit ruled that jurors can be removed if there is evidence that they intend to nullify the law. The Supreme Court has not recently confronted the issue of jury nullification. In 2017, a jury was instructed: "You cannot substitute your sense of justice, whatever that means, for your duty to follow the law, whether you agree with it or not. It is not for you to determine whether the law is just or whether the law is unjust. That cannot be your task. There is no such thing as valid jury nullification. You would violate your oath and the law if you willfully brought a verdict contrary to the law given to you in this case." The Ninth Circuit upheld the first three sentences of the jury's instruction and overruled the remainder but deemed that instruction a harmless error and affirmed the conviction.[68]

State laws

In 2002, South Dakota voters rejected by a 78% margin a state constitutional amendment to permit criminal defendants to argue for jury nullification.[69] On June 18, 2012, the New Hampshire General Court enacted a law explicitly allowing defense attorneys to inform juries about jury nullification.[70] On October 24, 2014, the New Hampshire Supreme Court effectively nullified the law and held that the wording of the statute does not allow defense attorneys to tell juries they can nullify a law.[71][72] The Maryland State Constitution, Declaration of Rights, states that "in the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction." Nevertheless, the Maryland Courts jury service brochure states that "it is your duty to accept what the judge is saying about the law, and how it is to be applied to the case."

See also

- *Citizens Rule Book*
- Fully Informed Jury Association
- Josephine Terranova
- Judgment notwithstanding verdict
- Judicial override
- Juror misconduct
- Jury nullification in the United States
- Miscarriage of justice
- Ultimate fact

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External links

Organizations

- *FIJA – The Fully Informed Jury Association* (https://www.fija.org/), an activist group that encourages educating potential jurors about jury nullification

Articles and other works

- *"Cromwell and Communism"* aka *Socialism and Democracy in the Great English Revolution* (https://web.archive.org/web/20051204063614/http://www.marx.org/reference/archive/bernstein/works/1895/cromwell/index.htm)
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- *Essay on the Trial by Jury* (https://www.gutenberg.org/files/32984/32984-h/32984-h.htm) by Lysander Spooner
- *Bushell's Case* (https://ssrn.com/abstract=1008417), history of Bushell's Case and jury nullification in its aftermath
- How to Get Out of Jury Duty (http://butnowyouknow.wordpress.com/rights/how-to-get-out-of-jury-duty-and-be-a-hero-for-it-instead-of-a-bad-citizen/) (Satirical defense of jury powers)
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Lindsey Halligan

Lindsey Robyn Michelle Halligan (born July 21, 1989) is an American attorney who served as a special attorney in the United States Department of Justice (DOJ) from October 2025 until January 2026. Halligan claimed to serve as the interim United States attorney for the Eastern District of Virginia from September 2025 to January 2026, but her appointment was ruled unlawful by a federal judge in November 2025.[3] She served as the special assistant to the president and the White House senior associate staff secretary from January to September 2025.

Halligan graduated from Regis University and the University of Miami School of Law. She began working as an insurance lawyer and became a partner at Cole, Scott & Kissane in 2018. In 2022, then-former president Donald Trump named Halligan to his legal team. She was involved in litigation involving the FBI's search of Mar-a-Lago. Halligan continued working with Trump on several other legal efforts.

In January 2025, Trump named Halligan as the White House senior associate staff secretary. She advocated for action against exhibits at Smithsonian Institution museums that she saw as disparaging the United States. In September, Trump forced the interim United States attorney for the Eastern District of Virginia, Erik Siebert, from his position over his handling of his office's investigations into Trump opponents. He named Halligan, who had no prosecutorial experience, as the interim U.S. attorney and nominated her for the position. In November, a judge ruled that Halligan's appointment had exceeded the temporary window established in the Federal Vacancies Reform Act. The Department of Justice appealed the ruling the following month. In January 2026, as judges sought to replace Halligan, she departed the DOJ.

Lindsey Halligan

Halligan in 2025

Interim United States Attorney for the Eastern District of Virginia

Unlawfully appointed[b]

In office

September 20, 2025 – January 20, 2026[a]

President	Donald Trump
Preceded by	Maggie Cleary

Personal details

Born	Lindsey Robyn Michelle Halligan July 21, 1989 Portland, Maine, U.S.
Education	Regis University (BA) University of Miami (JD)

Early life and education

Lindsey Robyn Michelle Halligan was born on July 21, 1989, in Portland, Maine.[4] Halligan is the daughter of audiologists. Her sister, Gavin, is a family law attorney who unsuccessfully ran as a Republican in the 2016 election for the Colorado House of Representatives's fourth district. Halligan was raised in Broomfield, Colorado, and attended Holy Family High School, where she played softball and basketball. She graduated from Regis University with a bachelor's degree in politics and broadcast journalism and from the University of Miami School of Law with a Juris Doctor in 2013. At the University of Miami, Halligan interned for the Innocence Project and the Miami-Dade County public defender's office.[5] She worked for Deco Models, a Miami modeling agency, in 2012.[6] She competed in the Miss Colorado USA pageant in 2009 and 2010, reaching the semifinals and earning third runner-up, respectively.[5]

Career

Insurance law (2013–2022)

After graduating from law school, Halligan worked for Cole, Scott & Kissane,[5] an insurance law firm specializing in residential and commercial properties.[7] She became a partner in 2018.[5] At Cole, Scott & Kissane, Halligan represented insurance companies against lawsuits filed by homeowners and corporate plaintiffs.[8]

Trump legal work (2022–2025)

In November 2021, Halligan met former president Donald Trump at Trump International Golf Club, according to a statement she provided to *The Washington Post*.[5] Trump named her to his legal team several months later[5] amid the Federal Bureau of Investigation's investigation into his handling of government documents.[9] Halligan told *Politico* that she was present at Mar-a-Lago for the Federal Bureau of Investigation's search of the property.[10] She was involved in *Trump v. United States*, a lawsuit requesting a special master to review the material seized by the bureau in the search.[11] Halligan remained with Trump as two lawyers who worked with her resigned.[12]

Halligan's work for Trump included a defamation lawsuit against CNN that was dismissed,[13] an effort to defend his presidential eligibility amid legal contentions with the Fourteenth Amendment,[14] and an attempt to dissuade the Department of Justice from indicting Trump over his handling of classified documents.[15] Ahead of the 2024 presidential election, an Iranian hacking campaign targeted Trump advisors. The Islamic Revolutionary Guard Corps allegedly obtained emails from Halligan, among others, and threatened to release them in July 2025.[16] Halligan reviewed draft executive orders, briefing materials, and press releases to identify "inconsistencies and potential legal risks".[17]

White House positions (January–September 2025)

After Trump's second inauguration, Halligan was appointed as the White House senior associate staff secretary,[14] and special assistant to the president.[8][18] She advocated for Trump to take action against exhibits at Smithsonian Institution museums that she saw as disparaging the United States.[5] In March, Trump signed an executive order to review exhibits at the Smithsonian's museums, naming Halligan to lead the effort.[19] She sought the removal of Amy Sherald's painting "Trans Forming Liberty", depicting a transgender African American woman as an approximation of the Statue of Liberty.[20]

Halligan *(far right)* with Trump in April 2025.

Interim U.S. attorney for the Eastern District of Virginia (2025–2026)

In September 2025, Erik Siebert, the U.S. attorney for the Eastern District of Virginia, resigned after refusing to bring criminal cases against either Letitia James, the attorney general of New York, or James Comey, the former director of the Federal Bureau of Investigation.[21] After Siebert's dismissal, Boris Epshteyn, a Trump aide, approached Halligan about taking the position.[22] On September 20, Trump announced that he would nominate Halligan—who had no prosecutorial experience—to succeed Siebert.[23] According to *The New York Times*, Attorney General Pam Bondi and deputy attorney general Todd Blanche questioned her viability for the role given her lack of experience.[22] Two days later, Halligan was sworn in as the interim U.S. attorney,[24] though a court would later rule that Bondi never had the authority to appoint anyone to the post.[3][25]

Halligan intended to ask a grand jury to indict Comey, despite an internal memorandum arguing that she should not bring charges against him.[18] On September 25, with only days remaining before the five-year statute of limitations would have expired, Halligan signed Comey's indictment.[22] In October, Halligan indicted James for alleged mortgage fraud.[26] On October 20, Comey's attorneys filed a motion for dismissal, alleging that Halligan's interim appointment was carried out in violation of federal law.[27][28]

As an interim U.S. attorney, Halligan emphasized a strict zero-tolerance policy on the unauthorized disclosure of sensitive information.[29] In October 2025, *Lawfare* reporter Anna Bower published a Signal exchange, in which Halligan raised complaints about the media's coverage and characterization of the James indictment.[30] Days later, James filed a request with the judge in charge of her case, seeking to bar federal prosecutors from speaking with the media about evidence in the case, arguing that this was needed in order to ensure a fair trial.[31][32] At the end of that month, Attorney General Bondi retroactively appointed Halligan as a "special attorney" to dispel doubt about the legitimacy of Halligan's initial appointment as a federal prosecutor.[33]

In November, a federal judge, Cameron McGowan Currie, heard Comey's and James's challenges to the legality of Halligan's appointment.[34] Days later, a magistrate judge, William E. Fitzpatrick, found that Halligan may have committed misconduct by falsely stating that the Fifth Amendment precluded Comey from refusing to testify at his trial. Fitzpatrick added that Halligan had told jurors that the Department of

Justice had additional evidence that would be revealed at trial and noted the discrepancy between the indictment presented and the indictment approved by the grand jury.[35] Halligan later told judge Michael S. Nachmanoff that the foreperson in the grand jury proceedings for the Comey case had approved a second version of the indictment that had not been seen by the grand jury.[36]

On November 24, Currie ruled that Halligan's appointment by Bondi was unlawful, as the Federal Vacancies Reform Act's temporary window had elapsed. The ruling resulted in Halligan's disqualification as U.S. attorney and the dismissal of the charges against Comey and James. The Trump administration stated its intention to appeal the ruling that day.[3] Halligan continued serving as late as December, leading to criticism from other judges, who noted Currie's ruling.[37] The Department of Justice appealed the ruling on December 19.[38] In January 2026, judge David J. Novak ordered Halligan to explain why she had claimed to be the interim U.S. attorney despite Currie's ruling.[39] On January 20, M. Hannah Lauck, the district's chief judge, issued separate orders escalating the dispute between Halligan and the judiciary. Lauck, who noted in her order that Halligan's appointment would have expired that day in the absence of Currie's ruling, directed the court's clerk to seek candidates for Halligan's position in local newspapers, setting a deadline for February. Hours later, Novak threatened disciplinary action for prosecutors who referred to Halligan as a U.S. attorney, describing the dispute as a "charade".[40] According to *The New York Times*, prosecutors in the United States Attorney's Office for the Eastern District of Virginia were instructed to refer to Halligan as a special attorney instead. That day, Bondi announced Halligan had left the position.[41]

Notes

a. On January 20, 2026, U.S. District Judge David Novak issued an order (https://storage.courtlistener.com/recap/gov.uscourts.vaed.586311/gov.uscourts.vaed.586311.23.0.pdf) that prohibited Halligan "from representing herself as the United States Attorney in any pleading or otherwise before this Court until such time as she may lawfully hold the office either by Senate confirmation or appointment by this Court ... should either occur."[1]
b. On January 20, 2026, U.S. District Judge Cameron Currie ruled that President Donald Trump's handpicked prosecutor, Lindsey Halligan, was illegally appointed to the role ("Ms. Halligan has been unlawfully serving in that role since September 22, 2025"). [2]

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Prosecution of James Comey

On September 25, 2025, James Comey, a former director of the Federal Bureau of Investigation (FBI), was indicted by a federal grand jury in Virginia on two counts: one charge of making a false statement to Congress, and one charge of obstructing a congressional proceeding. The charges are related to Comey's testimony during a September 30, 2020, Senate Judiciary Committee hearing about the FBI's investigation of links between Russia and the 2016 Trump presidential campaign, and he was indicted just before the five-year statute of limitations ran out. The indictment followed President Trump's removal of U.S. Attorney Erik Siebert, who had opposed bringing charges, and his installation of Lindsey Halligan, a political loyalist with no prosecutorial experience, who secured the indictment days before the statute of limitations expired.

United States v. Comey

Court	United States District Court for the Eastern District of Virginia
Full case name	*United States of America v. James B. Comey, Jr.*
Docket nos.	1:25-cr-00272 (https://www.courtlistener.com/docket/71459121/united-states-v-comey/)
	Court membership
Judge sitting	Michael S. Nachmanoff

Comey's defense argued the charges were baseless because Senator Ted Cruz's 2020 questions were ambiguous, Comey's answers were literally true, and the obstruction count fails to specify any false statements. They also allege grand-jury misconduct, including Halligan keeping jurors late, signing two indictments, and allowing improper testimony, framing the prosecution as vindictive and politically driven. Federal judges have sharply criticized the government's handling of the case, ordered the release of grand-jury materials, and reviewed whether Halligan's appointment itself was lawful. Comey pleaded not guilty.

A trial was scheduled for January 2026. The charges were dismissed without prejudice on November 24 after Halligan's appointment was ruled unlawful,[1][2] but the Justice Department has announced that it intends to appeal the ruling.[3] On December 9, the Justice Department referred to the legal dispute in a court filing as a "pending criminal investigation" and "a potential federal criminal prosecution", which has been suggested to indicate that the Department intends to seek a new indictment against Comey.[4]

Background

Former president Barack Obama nominated Comey to become the Director of the FBI in June 2013,[5] and he was sworn in on September 4.[6] Among his responsibilities was overseeing an FBI investigation into Russian interference in the 2016 presidential election,[7] a portion of which focused on possible

coordination between Russia and members of the 2016 Trump presidential campaign.[8] Donald Trump fired Comey on May 9, 2017, and shortly after, Trump said he was motivated by the latter investigation.[8]

Before he was fired, Comey had been writing notes to memorialize his one-on-one meetings with Trump, and after he was fired, he shared one of them with Daniel Richman, a Columbia Law School professor and friend of Comey's. After Comey was indicted, Richman shared that memo with *The New York Times*.[8]

During a September 30, 2020, Senate Judiciary Committee hearing into the FBI's investigation of links between Trump associates and Russian officials,[9] in response to questioning from U.S. Senator Ted Cruz, Comey denied having authorized anonymous leaks to *The Wall Street Journal* for an October 2016 article. In a December 2020 letter to the Department of Justice, Cruz wrote that former FBI official Andrew McCabe had said Comey was aware of McCabe's authorization of a leak, contradicting Comey's denials.[10] Cruz's questioning of Comey in 2020 addressed both "the Clinton investigation" regarding her private email server, as well as "matters relating to the Trump investigation" about Russian interference.[11]

A lengthy report was issued by prosecutor John Durham in 2023 about Russian interference in the 2016 United States elections, and Durham's report concluded that "not every injustice or transgression amounts to a criminal offense, and criminal prosecutors are tasked exclusively with investigating and prosecuting violations of U.S. criminal laws." Lawyers from the U.S. Attorney's Office in Washington, D.C. and prosecutors in Virginia "reached the same conclusion" as Durham, in the words of ABC News:[12]

> They'd be unable to prove Comey made false statements to Congress to obstruct their investigation. Presenting their findings in a lengthy declination memo, the prosecutors explicitly mentioned the two other investigations to bolster their recommendation that probable cause does not exist to charge Comey, according to sources familiar with the contents of the memo.

Based in part on discussions with Durham,[12] those federal prosecutors working for U.S. Attorney Lindsey Halligan advised that charges should not be brought against Comey.[10] She opted to bring three charges, and the grand jury agreed with two of them.

The five-year statute of limitations would have expired on September 30, 2025.[9] Erik Siebert, the interim U.S. Attorney in the Eastern District of Virginia, reportedly recommended against charging Comey, and Trump then pressured him into resigning. In a Truth Social post, Trump publicly pressured Attorney General Pam Bondi to install loyalist Lindsey Halligan, his former personal attorney, in the role to push forward charges against adversaries, including Comey.[10][13] Siebert resigned on September 19, 2025,[14] and Halligan replaced him as interim U.S. Attorney on September 22.[15]

Feud with Donald Trump

The public feud between Trump and Comey stems from Comey's oversight of the FBI's investigation into possible ties between the 2016 Trump presidential campaign and Russia, his subsequent dismissal by Trump, and their escalating public animosity.[16][17][18][19]

In March 2017, Comey publicly confirmed that the FBI had opened a counterintelligence investigation into whether individuals associated with the Trump campaign had coordinated with Russian operatives.[20] Trump reacted angrily, calling the probe a "Russiagate hoax" and a "witch hunt" and demanding personal loyalty from Comey in private meetings, including urging him to drop the FBI's inquiry into National Security Adviser Michael Flynn.[21]

Trump abruptly dismissed Comey on May 9, 2017, later citing the investigation as the reason. While the White House initially attributed the firing to Comey's handling of the Hillary Clinton email investigation, Trump later acknowledged he was thinking about "this Russia thing" when he made the decision.[22] The dismissal led to the appointment of Robert Mueller as special counsel to investigate potential obstruction of justice by Trump.[23][18]

Following his firing, Comey became an outspoken critic of Trump. His 2018 memoir *A Higher Loyalty* portrayed Trump as "unethical", "untethered to truth", and "like a mafia boss".[24] Trump responded on social media and in interviews, calling Comey a "leaker", an "untruthful slimeball", and claimed Comey should face charges for "treason".[18]

According to ABC News, Trump privately vented that Comey's daughter Maurene Comey worked in his administration. On July 16, 2025, Maurene Comey, a senior trial counsel who had worked in the U.S. attorney's office for nearly a decade, was fired from the United States District Court for the Southern District of New York without cause, the day after taking the lead on a major corruption case.[25] On September 15, 2025, Maurene Comey filed a lawsuit against the DOJ for wrongful termination and retaliation for her familial connection.

In September 2025, Trump publicly praised the Justice Department's indictment of James Comey and suggested that additional political opponents could face prosecution. "It's not a list, but I think there will be others", Trump told reporters, while describing Comey as "a dirty cop" who "lied". He added, "For him, it was a very good answer if he didn't get caught. He got caught."[26]

President Trump has commented publicly about the case, stating at Truth Social: "One of the worst human beings this Country has ever been exposed to is James Comey, the former Corrupt Head of the FBI", and also saying the case is about "justice not revenge."[27] Additionally, at Truth Social, Trump has said that Comey, New York Attorney General Letitia James and U.S. Sen. Adam Schiff are "all guilty as hell, but nothing is going to get done."[10]

A defiant Comey recorded a video on Instagram insisting he's innocent and would not be cowed by Trump:

> My family and I have known for years that there are costs to standing up to Donald Trump, but we couldn't imagine ourselves living any other way. We will not live on our knees, and you shouldn't either. Somebody that I love dearly recently said that fear is the tool of a tyrant and she's right. But I'm not afraid and I hope you're not either.[28]

Charges

Lindsey Halligan, sworn in on September 22, 2025, three days later led a federal grand jury to return a two-count indictment against former FBI Director James B. Comey. The charges stem from his testimony before the Senate Judiciary Committee on September 30, 2020, during a hearing on the FBI's handling of the Crossfire Hurricane investigation.[29]

Count one: False statements to Congress (18 U.S.C. § 1001(a)(2))

Count One alleges that during a September 30, 2020 hearing before the Senate Judiciary Committee, Comey "willfully and knowingly" made a materially false statement when he testified that he had not authorized anyone at the FBI to serve as an anonymous source for news reporting about an FBI investigation concerning "Person 1." The indictment asserts that Comey knew the statement was false because he had, in fact, authorized another FBI official ("Person 3") to act as such a source.[30][31]

Comey's attorneys argue that Cruz's question was "fundamentally ambiguous", that Cruz appeared to be asking exclusively about former Deputy Director Andrew McCabe, and that Comey's reply—"I stand by my prior testimony"—was literally true regardless of whether his earlier testimony was itself correct.[32][31]

Count two: Obstruction of a Congressional proceeding (18 U.S.C. § 1505)

Count Two charges that Comey corruptly endeavored to obstruct the Senate Judiciary Committee's inquiry by making false and misleading statements during the same 2020 hearing, thereby impeding the committee's "due and proper exercise" of its investigative authority.[31]

Comey's attorneys argue that the obstruction charge is legally defective because the indictment does not identify which statements were false or how they obstructed Congress, and they sought a bill of particulars requiring prosecutors to specify the factual basis for the allegation.[32]

Nature of the indictment

The indictment is not a detailed "speaking indictment" and does not identify which specific statements or press reports form the basis of either charge. News reports speculated that the charges may relate to Comey's communications with Richman and to materials from the FBI's internal leak inquiry known as "Arctic Haze".[31][32]

Indictment

As the statute of limitations for the charges was set to expire in the leadup to the indictment, Trump pressured the interim US Attorney in the Eastern District of Virginia, Erik Siebert, who reportedly recommended against charging Comey, into resigning. Trump publicly pressured Attorney General Pam Bondi to install loyalist Lindsey Halligan, his former personal attorney, in the role to push forward

charges against adversaries including Comey, in a Truth Social post on September 20.[10][13] On October 8, U.S. officials told *The Wall Street Journal* that Trump had believed he was messaging Bondi privately when he mistakenly posted his message to Truth Social.[33]

On September 25, 2025, Comey was indicted by a federal grand jury in Virginia on two counts: one charge of making a false statement to Congress, and one charge of obstructing a congressional proceeding. He denies the charges.[34][35] A trial is set for January 5, 2026.[36]

The 23-person grand jury voted against a third charge.[37] The two charges are related to Comey's testimony during a Senate Judiciary Committee hearing into the FBI's investigation of links between Russia and the 2016 Trump presidential campaign on September 30, 2020; the five-year statute of limitations would have run out on September 30, 2025.[38]

The indictment is not a speaking indictment that details the facts of the case; as CNN reports, "The indictment doesn't identify which specific leaked details or news reports form the core of the case." The indictment may refer to leaking that Comey (not McCabe) engaged in with Columbia Law School professor Daniel Richman.[39] Professor Richman was also a "special government employee", and the government may argue that Comey's denial to Senator Cruz included denial of leaking with Richman (not just McCabe).[40]CNN also reports that the indictment may involve the FBI's leak investigation called "Arctic Haze".[41]

Arctic Haze was an FBI media leak investigation opened in 2017 to examine the unauthorized disclosure of classified information in news articles published between April and June 2017.[42] The investigation examined whether Comey had authorized Richman to serve as a media conduit; according to declassified FBI memos, Richman told investigators in 2019 that his goal was to "correct stories critical of Comey and the FBI."[43] The Arctic Haze investigation closed in 2021 without charges, concluding it "has not yielded sufficient evidence to criminally charge any person, including Comey or Richman, with making false statements or with the substantive offenses under investigation."[42] FBI Director Kash Patel declassified the Arctic Haze records in August 2025.[44][45][46]

U.S. District Judge Michael S. Nachmanoff has jurisdiction over the case.[47] The lead prosecutor is U.S. Attorney Halligan, who represented the government before the grand jury and signed the indictment.[48] Comey's defense counsel team includes Patrick Fitzgerald and Michael Dreeben.[49][50]

No arrest warrant was issued. On October 3, multiple sources said that FBI agent Chris Ray was suspended or relieved of duty after refusing to arrange a perp walk for Comey in front of media.[51][52] Comey was arraigned on October 8, pleaded not guilty, and was released until trial without conditions.[53] The trial was scheduled for January 5, 2026; however, Comey's defense attorney announced plans to submit at least two motions to dismiss, including arguments for selective or vindictive prosecution and for Halligan's appointment not having been lawful.[54]

Dismissal

On November 24, 2025, senior United States district judge Cameron McGowan Currie ruled that Halligan had not been lawfully appointed, and she dismissed without prejudice the indictments of Comey, as well as Letitia James. Currie wrote that, when Siebert was appointed as interim U.S. attorney on January 21, this started "[t]he 120-day clock". From May 21, the Attorney General no longer had appointment authority. Therefore, when Halligan assumed her position as interim U.S. attorney on September 22, she

was "unlawfully serving in that role".[55][56] In mid-December, the DOJ appealed the dismissal.[57] As Halligan's appointment had been on an interim basis anyway, it had only been set to last 120 days, and she resigned on January 20, 2026, acknowledging that her tenure had ended.[58]

Although the Justice Department could start over with a new indictment by asking another grand jury to approve charges against Comey,[59] this would be complicated by its inability to use the evidence it acquired from Comey's friend and former lawyer Dan Richman. On December 6, DC District Court Judge Colleen Kollar-Kotelly temporarily blocked the Justice Department's access to evidence it had collected from Richman's personal computer. The government had not had a warrant for the search, Richman sued the Justice Department claiming the search had been unconstitutional, and, were Richman's lawsuit to succeed (as Kollar-Kotelly predicted it was likely to do, based on the merits of Richman's claim), the unconstitutionally gathered evidence could not be used in a new indictment against Comey.[60][61] On December 12, Kollar-Kotelly ruled that the Justice Department had violated the Fourth Amendment in continuing holding Richman's files without obtaining a new warrant, and ordered the Justice Department to return the files to Richman and give a sealed copy to the court to be used in the future only if the Justice Department were to obtain a warrant.[62][63]

Pre-trial motions

October 20, 2025, defense motions

On October 20, Comey's defense attorney filed two motions to dismiss, one for selective or vindictive prosecution and one challenging Halligan's appointment as unlawful.[64][65][66] The latter motion was referred to Albert Diaz, the chief judge of the U.S. Court of Appeals for the Fourth Circuit, who assigned this part of the case to Cameron McGowan Currie, a senior judge in the U.S. District Court for the District of South Carolina; the assignment allows the motion to be heard in a district other than the one where Halligan serves as the interim U.S. Attorney.[67]

October 30, 2025, defense motions

On October 30, 2025, Comey's legal team filed a second set of motions to dismiss the indictment, arguing that the charges were legally defective and that the grand-jury process was compromised by procedural irregularities and political interference.[68][69]

Core arguments for dismissal

Comey's defense asserted that the perjury count was invalid because his 2020 congressional testimony was both *literally true* and based on a *fundamentally ambiguous* question. During the 2020 hearing, Senator Cruz's inquiry appeared to concern former FBI Deputy Director Andrew McCabe, while prosecutors now allege that Comey lied about Daniel C. Richman. The filing stated that "fundamental to any false-statement charge are both clear questions and false answers. Neither exists here."[68][69]

The defense also argued that the obstruction count under 18 U.S.C. § 1505 (https://www.law.cornell.edu/uscode/text/18/1505) was impermissibly vague, failing to identify which statements were false or how they obstructed Congress. The motion requested that the court compel prosecutors to file a bill of particulars providing greater detail.[69]

Alleged grand-jury misconduct

The motions accused Halligan of serious procedural irregularities during the grand-jury proceedings, including:

- keeping jurors "well past normal business hours" after they initially declined one count,
- signing two different versions of the indictment, and
- allowing an FBI witness to share privileged attorney–client communications.[68]

Comey's attorneys argued that Halligan, who had no prior prosecutorial experience, conducted her first grand-jury presentation without supervision, rendering the process "tainted and prejudicial".[68]

Political and constitutional context

The filings reiterated that the prosecution was politically motivated. According to court records, President Trump ordered Pam Bondi, then attorney general, to replace U.S. Attorney Siebert—who had refused to indict Comey—and to install Halligan in his place. The motions characterized the case as a test of Justice Department independence and of the constitutional limits on presidential control of criminal prosecutions.[69][68][70]

November 5, 2025, hearing

During a November 5, 2025, hearing in Alexandria, Virginia, U.S. Magistrate Judge William Fitzpatrick sharply criticized the Justice Department's prosecution accusing special prosecutor Lindsey Halligan of taking a "highly unusual" "indict first, investigate second" approach.[71][72][73][74]

Fitzpatrick ordered prosecutors to turn over all grand-jury and investigative materials seized from Daniel Richman, a Columbia University law professor and longtime Comey confidant, after finding that the government had not shared the evidence with the defense.[75] The seized communications originated from a prior internal FBI leak inquiry known as Arctic Haze.[76]

Comey's legal team had argued that prosecutors' withholding of evidence, combined with irregularities in Halligan's grand-jury presentation—including keeping jurors late into the evening and signing two versions of the indictment—supported their claim of vindictive and politically motivated prosecution.[77]

Despite his rebuke of the DOJ's "indict first, investigate second" way of handling the case, Fitzpatrick declined to block prosecutors from including additional discovery materials in future filings. Legal analysts noted that the decision to compel the release of grand-jury records was a major procedural victory for the defense, giving Comey's team its first opportunity to examine how Halligan presented the evidence.[78][71]

November 13, 2025, hearing on legality of Halligan's appointment

A hearing on the legality of Halligan's appointment was held on November 13, 2025, before visiting Judge Cameron McGowan Currie.[79] Comey attended the hearing.[80] Currie simultaneously considered a similar motion from New York Attorney General Letitia James, whom Halligan is also prosecuting. [81] As Halligan is the only federal prosecutor who signed the indictments of Comey and James, retroactively invalidating her appointment could end those cases.[82]

To recap, President Donald Trump replaced U.S. Attorney Erik Siebert, who had reportedly resisted bringing charges, with Halligan, a former personal lawyer to the president with no prior prosecutorial experience. Within days, Halligan obtained indictments against Comey and against James.[83] Because the district's judges voted to install Siebert it was necessary to assign a judge from another jurisdiction to decide any issue of the legality of Halligan's appointment.[84]

Defense lawyers argued that Halligan's appointment violated 28 U.S.C. § 546, which provides that after an interim period expires, district judges, not the president or attorney general, must select a replacement until Senate confirmation. They warned that the administration's interpretation would permit indefinite reappointments, allowing an attorney general to perpetually install loyalists without Senate oversight.[84]

Currie expressed skepticism of the government's position, noting that Trump's own successful challenge to the appointment of Special Counsel Jack Smith weakened the Justice Department's defense. Currie also revealed that sections of the grand-jury transcript in Comey's case were missing, adding "It became obvious to me that the attorney general could not have reviewed" the entire proceeding.[84]

The Justice Department's actions have drawn comparisons to earlier failed attempts to install interim prosecutors, including Alina Habba in New Jersey and Sigal Chattah in Nevada, both of which were ruled unlawful. A legal scholar said the administration's approach reflected a sharp politicization of prosecutorial appointments.[84]

On November 24, Currie ruled that Halligan had not been lawfully appointed, and she dismissed the indictments of Comey and of James. Currie wrote that, when Siebert was appointed as interim U.S. attorney on January 21, this started "[t]he 120-day clock". From May 21, the Attorney General no longer had appointment authority. Therefore, when Halligan assumed her position as interim U.S. attorney on September 22, she was "unlawfully serving in that role".[55]

November 17, 2025, hearing on grand jury proceedings disclosure

On November 17, 2025, U.S. Magistrate Judge William Fitzpatrick ordered the release of the grand jury transcripts from the indictment of James Comey to the defense team.[85] U.S. District Judge Michael Nachmanoff, who presides over the overall case, subsequently stayed the order to give the government time to file objections.[86]

Fitzpatrick's (stayed) decision followed special prosecutor Lindsey Halligan's appeal of a November 5 ruling directing disclosure of the transcripts, in which the government argued that there were no "factually based grounds for disclosure" and asked that "the Court review the transcript of the grand jury in camera."[87]

At the hearing, Fitzpatrick stated that "the government's actions in this case—whether purposeful, reckless, or negligent—raise genuine issues of misconduct, are inextricably linked to the government's grand jury presentation, and deserve to be fully explored by the defense."[88] After reviewing video recordings of the grand jury proceedings, he concluded that factually based grounds for disclosure existed.[88]

Fitzpatrick identified multiple issues supporting disclosure:

- that the search warrants used during the investigation did not protect Comey's attorney–client privileges;[86]

- that the warrants may have violated the Fourth Amendment;[86]
- that the government used materials from an earlier investigation without obtaining a new warrant;[85]
- that a new warrant would likely have imposed a narrower scope; and that the government instead relied on materials:
  - seized five years earlier in a since-closed investigation;[88]
  - never reviewed to determine their proper scope;[86]
  - likely improperly retained by the government;[86]
  - likely containing privileged communications;[86]
  - and never subjected to new judicial review.[86]

Fitzpatrick also cited irregularities in Halligan's grand jury presentation, including two misstatements of law:

1. that Comey did not have a Fifth Amendment right not to testify;[87]
2. and that jurors did not need to rely on the evidence presented because the government would present stronger evidence at trial.[88]

The judge further expressed concern that "the grand jury transcripts are incomplete and that there is missing material."[85]

Fitzpatrick characterized disclosure as a straightforward remedy, stating that releasing the materials would allow the defense to make any appropriate motions, such as a motion to dismiss the indictment or suppress evidence, based on the full record.[86]

He summarized his findings:

> [T]he record points to a disturbing pattern of profound investigative missteps, missteps that led an FBI agent and a prosecutor to potentially undermine the integrity of the grand jury proceeding. Therefore, in this case, "the Court has before it a rare example of a criminal defendant who can actually make a 'particularized and factually based' showing that irregularities may have occurred in the grand jury proceedings and may justify the dismissal of one or more counts of the indictment.[88]

Judge Nachmanoff's stay left the disclosure order temporarily on hold pending objections from the government and a subsequent response from the defense.[85]

November 19, 2025, hearing on vindictive-prosecution motion

On November 19, 2025, U.S. District Judge Michael S. Nachmanoff held a hearing on the defenses motion to dismiss his indictment as a vindictive prosecution driven by President Donald Trump.[89][90]

For dismissal on vindictive-prosecution grounds, the defense would have to establish that prosecutors "acted with genuine animus" against him or were "prevailed upon to bring the charges by another with animus such that the prosecutor could be considered a 'stalking horse,'". Comey's attorneys argued that dismissal is warranted because prosecutors acted with "genuine animus", Halligan served as a "stalking horse" for Trump, and that Comey would not have been prosecuted "but for" that animus.[89] Defense

attorney Michael Dreeben cited Trump's years of public attacks on Comey, his post demanding that Attorney General Pam Bondi "prosecute" Comey days before the statute of limitations ran, the firing of U.S. Attorney Erik Siebert, and the removal of Maurene Comey from SDNY.[89]

Dreeben argued this reflected a breakdown of DOJ independence and "unprecedented" political use of criminal prosecution.[89] During an exchange Judge Nachmanoff asked the defense "So your view is that Ms. Halligan is a stalking horse or a puppet, for want of a better word, doing the president's bidding?". Dreeben replied "Well, I don't want to use language about Ms. Halligan that suggests anything other than she did what she was told to do. The president of the United States has the authority to direct prosecutions. She worked in the White House. She was surely aware of the president's directive."[91]

Judge Nachmanoff pressed the defense on whether interim U.S. Attorney Lindsey Halligan acted as a "stalking horse" for Trump; defense attorney Dreeben responded she "did what she was told."[92]

The declination memo

Nachmanoff questioned whether career prosecutors had prepared a declination memo recommending against charges. Assistant U.S. Attorney N. Tyler Lemons said he had been instructed by Deputy Attorney General Todd Blanche not to reveal whether such a memo existed.[89][90] According to The Washington Post, two individuals familiar with the matter confirmed the memo exists.[89]

Grand jury irregularities

The hearing shifted when Halligan acknowledged that the full grand jury never saw the final two-count indictment. After grand jurors rejected one of three proposed charges, Halligan revised the indictment but presented the updated document only to the foreperson, not the full panel.[93][89][92] Dreeben argued that "there is no indictment", because the revised charges were never presented to the full grand jury.[93]

Outcome

Nachmanoff declined to rule immediately, calling the issues "too weighty and too complex", and requested additional filings on the grand-jury matter.[89][90][94]

November 24, 2025, case dismissed

On November 24, 2025, Senior U.S. District Judge Cameron McGowan Currie dismissed the criminal case against James Comey in the United States District Court for the Eastern District of Virginia, holding that interim U.S. attorney Lindsey Halligan had been unlawfully appointed in violation of 28 U.S.C. § 546 (https://www.law.cornell.edu/uscode/text/28/546) and the Appointments Clause of the U.S. Constitution.[95]

The court simultaneously dismissed the related indictment of New York Attorney General Letitia James, concluding that Halligan lacked lawful authority to bring either case. Reuters described the ruling as an "extraordinary rebuke" of the Trump administration's efforts to circumvent Senate confirmation by installing political loyalists in federal prosecutor posts.[96]

Judge Currie found that the Attorney General's 120-day interim appointment authority had expired on May 21, 2025, months before Halligan's September 22 appointment, which rendered her selection legally void and left appointment authority with the district court.[96][97]

Because Halligan was never validly appointed and acted alone before the grand jury, the court held that all prosecutorial actions she took, including grand jury presentations and signed indictments, were void. Judge Currie rejected the Justice Department's attempt to retroactively cure the defect, writing that such a theory would allow "any private citizen off the street—attorney or not—to secure an indictment" so long as the Attorney General later approved it.[95]

Invoking *Lucia v. SEC* and *Ryder v. United States*, the court vacated Halligan's actions and dismissed both indictments without prejudice.[98] The ruling left uncertainty about whether Comey could ever be prosecuted again. The five-year statute of limitations on his alleged offenses expired on September 30, 2025, and analysts noted that prosecutors may now be time-barred from refiling charges.[99]

Comey welcomed the decision, calling the prosecution "malevolent and incompetent", though he suggested he expected President Trump to continue targeting him.[98]

The decision also aligned with other judicial rulings that invalidated similar interim U.S. attorney appointments during the Trump administration in New Jersey, Nevada, and California.[96]

Reactions

President Trump has commented publicly about the case, stating at Truth Social: "One of the worst human beings this Country has ever been exposed to is James Comey, the former Corrupt Head of the FBI". Trump also claimed the case is about "justice not revenge."[100]

"The apolitical prosecutors who analyzed this said there wasn't a case", said former special counsel Jack Smith on October 8, 2025, "and so they brought somebody in who had never been a criminal prosecutor on day's notice to secure an indictment a day before the statute of limitations ended. That just reeks of lack of process."[101]

On January 12, 2026, it was reported that Robert McBride, another prosecutor with the U.S. attorney's office for the Eastern District of Virginia, was fired after refusing to re-indict Comey.[102][103]

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Trump loyalist Lindsey Halligan leaves her post as a top federal prosecutor

She departs the same day a judge warned her against "masquerading" as the top prosecutor in the Eastern District of Virginia.

Jan. 20, 2026, 10:08 AM PST / Updated Jan. 20, 2026, 6:59 PM PST

WASHINGTON — Attorney General Pam Bondi said Tuesday night that Trump loyalist Lindsey Halligan is leaving her post as a top federal prosecutor in Virginia.

"Her departure is a significant loss for the Department of Justice and the communities she served," Bondi said in a statement. "While we will feel her absence keenly, we are confident that she will continue to serve her country in other ways."

The announcement comes the same day a federal judge barred Halligan from "masquerading" as the top federal prosecutor in the Eastern District of Virginia. At the same time, U.S. District Judge David Novak said he would allow Halligan to avoid attorney disciplinary proceedings for now "in light of her inexperience."

Novak issued an order that bars "Ms. Halligan from representing herself as the United States Attorney in any pleading or otherwise before this Court until such time as she may lawfully hold the office either by Senate confirmation or appointment by this Court ... should either occur."

Halligan told NBC News in a statement Tuesday evening that she faced "baseless accusations of lying," as well as accusations of making "false or misleading" statements.

"The court's remedy did not match its rhetoric. It treated me as though I had been removed from office — declaring my appointment unlawful and striking my name from filings — while never taking the single step Judge Currie identified as the consequence of that conclusion: appointing a replacement U.S. Attorney," she wrote. "In short, the court took no action to fill the vacancy it said already existed."

U.S. District Judge Cameron Currie ruled in November that Halligan was unlawfully serving in the role, which the Justice Department has appealed.

Novak had warned that Halligan would face disciplinary referrals if she continued to improperly refer to herself as the U.S. attorney.

"The Court recognizes that Ms. Halligan lacks the prosecutorial experience that has long been the norm for those nominated to the position of United States Attorney in this District," he wrote. "Consequently, and in light of her inexperience, the Court grants Ms. Halligan the benefit of the doubt and refrains from referring her for further investigation and disciplinary action regarding her misrepresentations to this Court at this time."

The U.S. Attorney's Office for the Eastern District of Virginia declined to comment.

Novak's warning also came the day the chief federal judge in the Eastern District of Virginia posted a job opening for a top federal prosecutor position previously occupied by Halligan.

Chief Judge M. Hannah Lauck entered an order Tuesday ordering the clerk of the court to post a vacancy announcement, soliciting applications from attorneys interested in filling the position of interim U.S. attorney for the Eastern District of Virginia.

Under the law, when the position is vacant — as the chief judge declared it was — the court can "appoint a United States Attorney to serve until the vacancy is filled" by a Senate-confirmed candidate. The application deadline is listed as Feb. 10.

Currie ruled in November that Halligan was unlawfully serving in the role and dismissed cases against former FBI Director James Comey and New York Attorney General Letitia James. After President Donald Trump urged Bondi to prosecute James and Comey, frequent targets of

his ire, Halligan— who had no prosecutorial experience — presented the cases against them to federal grand jurors.

Last month, the Trump administration tried and failed to indict James on mortgage-related charges after the Halligan-led case was dismissed. Then it failed yet again, a remarkable rebuke from federal grand jurors, who typically side with prosecutors who need only show probable cause, a much lower threshold than the "beyond a reasonable doubt" standard needed to secure a conviction at trial.

Last week, a top attorney in the Eastern District of Virginia was fired in a dispute over whether he would head up an effort to re-indict Comey. Any attempt to re-indict Comey in connection with congressional testimony in September 2020 would face further litigation over whether the prosecution is lawful, given that the five-year statute of limitations has passed.

Halligan was nominated for the position for a second time on Jan. 13,

but the Senate has not moved forward with confirming her nomination.

As recently as last week, the Justice Department referred to Halligan as "United States Attorney and Special Attorney" in the Eastern District of Virginia.

"It is the United States' position that Ms. Halligan was properly appointed as interim United States Attorney — a position the United States has maintained in part based on internal legal advice from the Department of Justice's Office of Legal Counsel," the Justice Department said after Novak ordered Halligan to explain why she was still serving in the position.

White House spokeswoman Abigail Jackson has said that Bondi "lawfully appointed Lindsey Halligan as the interim U.S. attorney for the Eastern District of Virginia" and that the Trump administration "has every confidence in its U.S. attorneys."

Deputy Attorney General Todd Blanche suggested Tuesday afternoon on X that Trump would simply fire any court-appointed U.S. attorney.

Judge declines to sign off on charges against former CNN anchor Don Lemon

Refusal to approve charges against Lemon in connection with Minnesota protest reportedly 'enraged' Pam Bondi

Sam Levine

A federal magistrate judge declined to sign off on charges against Don Lemon, the former CNN anchor, in connection with a protest at a Minnesota church over the weekend, according to a person familiar with the matter.

The magistrate's decision "enraged" the attorney general, Pam Bondi, according to NBC News and CNN.

The refusal comes as Donald Trump and other allies have called for Lemon to be arrested after he attended and broadcast a protest in which demonstrators interrupted a service at Cities church in St Paul over the weekend. Protesters said they were there because a pastor at the church was the acting field director of a local ICE office and videos of the incident went wild.

The justice department did not immediately return a request for comment.

Abbe Lowell, an attorney representing Lemon, said Lemon engaged in constitutionally protected activity.

"The magistrate's reported actions confirm the nature of Don's first amendment protected work this weekend in Minnesota as a reporter. It was no different than what he has done for more than 30 years, reporting and covering newsworthy events on the ground and engaging in constitutionally protected activity as a journalist," he said.

"Should the Department of Justice continue with a stunning and troubling effort to silence and punish a journalist for doing his job, Don will call out their latest attack on the rule of law and fight any charges vigorously and thoroughly in court."

Federal prosecutors can go before a magistrate judge to get them to determine there is probable cause for charges to begin a criminal case. A grand jury must then return an indictment within 30 days. It is "extremely rare" for a magistrate judge to reject charges, said Andrew Tessman, a former federal prosecutor.

"I really have not heard of it happen before," he said. "Usually just because the prosecutor is usually very careful about alleging all the

supporting facts that would support a charge."

While there are other ways the justice department could move to charge Lemon, a magistrate judge's refusal to sign off on the case was not a good sign for the government, Tessman said. "That probably means a grand jury is going to be as skeptical about this as the federal judicial officer."

Sign up to This Week in Trumpland

A deep dive into the policies, controversies and oddities surrounding the Trump administration

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Trump has condemned Lemon's actions.

"I saw him the way he walked in that church, it was terrible," Trump said of Lemon earlier this week. "I have such respect for that pastor. He was so calm, he was so nice. He was just accosted. What they did in that church was horrible."

Bondi announced two of the protesters had been arrested on Thursday morning. "WE DO NOT TOLERATE ATTACKS ON PLACES OF WORSHIP," she said in a post on Twitter/X.

Jeremy Barr contributed reporting

Trump's Fed fight looks like something from another country

10 hours ago

Natalie ShermanBusiness reporter

Getty Images

US President Donald Trump and Federal Reserve chair Jerome Powell

A political leader demanding questionable policy from the central bank and testing the legal limits to get it - to Martin Redrado, sitting in Argentina, Donald Trump's stand-off with the Federal Reserve feels surprisingly familiar.

Redrado was fired as head of Argentina's central bank in 2010, after he resisted orders by then-President Cristina Kirchner to hand over reserves to help pay off national debts.

He fought the decision successfully in court, but eventually resigned in the face of what he told the BBC was "intolerable" pressure.

Today, the clash is remembered as one of the early warnings of the economic turmoil that later engulfed Argentina, exposing it to high inflation and a currency plunge from which the country is still recovering.

Trump's fight with the Fed has sparked debate about whether the US might be heading in a similar direction.

Since his return to office last year, Trump has accused the chair of the

US central bank, Jerome Powell, of mishandling the economy and driving up debt costs for the government by keeping interest rates too high.

But his interventions at the bank have not been limited to social media complaints.

In August, Trump moved to sack a top policymaker, Lisa Cook, a decision now being challenged at the Supreme Court.

Then on Sunday, Powell said the Fed was facing a criminal probe from the Department of Justice, relating to cost overruns at a property renovation - concerns that Powell has dismissed as "pretext".

Market reaction to the drama has remained muted, which analysts said was a sign that investors expect the bank to be able to continue operating freely.

But that faith will be tested in the coming weeks, when the Supreme Court is due to hear arguments about Cook's firing and the president is expected to announce his pick to replace Powell, whose term as Fed chair ends in May.

Redrado said he has been surprised to see echoes of his own battle happening in the US, long held up as a global model.

"This seems more like an emerging market story," he said.

He is not alone in making the comparison.

"This is what you do in banana republics, not what should happen in the United States of America," economist Jason Furman, who led former President Barack Obama's Council of Economic Advisers, told

the BBC, using a derogatory term often used to describe countries with unstable politics and economies subject to the whims of a ruling class.

In an interview with CNBC, former Fed chair Janet Yellen, who served as Treasury Secretary under Joe Biden, raised a similar spectre as she warned against the way Trump wants the Fed to conduct policy. "It is the road to a banana republic," she said.

Inflationary risks

Trump has remained defiant in the face of calls to limit his interference with the bank, a powerful economic player, which has access to vast financial reserves and the ability to influence borrowing costs across an economy.

He has denied involvement in the criminal probe, which he said had nothing to do with interest rates, while maintaining he has a right to express his views.

"I think it's fine what I'm doing," he said.

But economists say Trump keeps up his attacks at the risk of the economy, arguing that hard-won evidence shows central banks deliver the best results when they operate without political pressure.

AFP via Getty Images

Argentina's former central bank boss Martin Redrado stood up to the government

That consensus emerged from painful run-ins with inflation in the 1970s, including in the US, leading to a wave of global reforms.

Extensive academic research has since linked central bank independence to lower inflation over time.

Experts say elected officials have too many incentives to try to use bank power to secure an immediate economic boost or satisfy particular constituencies, even if it might hurt the economy over the long run.

But though Trump's pressure on the Fed is unprecedented for the US, the president is hardly the only leader to disregard advice to leave central bankers alone.

In the UK, former Prime Minister Liz Truss attacked the Bank of England, criticising its independence and accusing it of having too much power.

A study of central banks in 118 countries between 2010 and 2018 found roughly 10% of central banks each year faced pressure from political leaders, like Trump, wanting lower interest rates, which make borrowing less expensive and can deliver a short-term economic boost.

Pressure on central bankers was most likely to emerge in countries with nationalist or populist leaders and was typically followed by higher inflation, says economist Carola Binder, a professor at the University of Texas at Austin who conducted the review.

In Turkey, for example, President Recep Tayyip Erdogan cycled through three central bank leaders in three years between 2019 and 2021, as he looked for someone who would execute on his unorthodox view that

high interest rates fed inflation.

Inflation soared past 50%, as the bank bowed to his demands, before he agreed to appoint leaders with more moderate views.

Even in countries where central banks resisted the interference, Binder's research found that inflation tended to rise, albeit to a lesser degree, suggesting pressure alone could cause damage.

Getty Images

Erdogan's interference with Turkey's central bank was accompanied by high inflation

Binder says she thinks the pressure led people to doubt central banks' ability to manage inflation effectively, causing them to expect higher prices in the future - a view that is often self-fulfilling.

For now, polls suggest inflation expectations in the US remain contained, making the likely significance of the current fight more political than economic, Binder says.

Still, she warned: "That is a possibility for the US - that this could be inflationary."

US fallout

Even if the Fed became a tool of the president, analysts believe the US economy was unlikely to face as severe a fallout as smaller nations like Argentina and Turkey.

But some say there are already signs the fight is having consequences, pointing to an 8% fall in the value of the dollar against a basket of currencies over the last year.

Over the long term, it can be hard to identify the driver of economic damage - whether it is the loss of central bank independence or other, often related issues, like the erosion of democracy or rule of law, says Carolina Garriga, professor of political science at the University of Essex.

But she says immediate market moves, like a dip in the dollar that followed the announcement of the Fed criminal probe, show investors consider central bank independence an important piece of the puzzle.

"It's hard to disentangle but it is not hard to disentangle when it's market reaction to an announcement."

Since the criminal probe became public, key Wall Street leaders and members of Congress, including some Republicans, have spoken up forcefully in defence of the Fed.

At the Supreme Court, justices have also indicated that they see the bank as different from other arms of government, where they have let Trump's firings proceed.

Analysts say they think the Fed will be able to maintain confidence in its policies, noting that it sets interest rates via a committee with 12 members, of whom the president appoints only seven and who each have long, staggered terms.

"There is slight concern," says Jennifer McKeown, chief global economist at Capital Economics. "But there's not a switch here that

says faith in US institutions has been lost and therefore we're in a downward spiral."

But much of the Fed's reputation for independence is rooted in convention, rather than legal design. In global comparisons of central bank independence, as measured by legal features, the Fed ranks in the bottom third.

Redrado said he remained hopeful that the strength of US institutions would prevail, unlike in Argentina, while warning that Trump was running unnecessary risk.

"President Trump is really defeating himself by having this kind of fight," he said. "He should know better."

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